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*Intellectual Property Law*

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**OFFICIAL**

LUKE A. KILYK\* (PA, DC)  
LEONARD D. BOWERSOX  
THOMAS P. CLOUSE\* (DC)  
ARASH BEHRAVESH\* (MA)  
JASBIR SINGH

**53 A East Lee Street  
WARRENTON, VA 20186**

FAIRFAX OFFICE  
3603-E Chain Bridge Road  
Fairfax, Virginia 22030

Of Counsel:  
WILLIAM CHARLES JAMISON  
SAMUEL P. BURKHOLDER\* (PA, DC, NJ)

TEL.: (540) 428-1701  
FAC.: (540) 428-1720  
(540) 428-1721

Email: [lkilyk@kbpatentlaw.com](mailto:lkilyk@kbpatentlaw.com)  
Website: <http://www.kbpatentlaw.com>

\*Admitted only in states indicated

PLEASE DIRECT CORRESPONDENCE TO OUR WARRENTON OFFICE

**FACSIMILE TRANSMISSION COVER SHEET**

DATE: March 2, 2004

TO: Examiner Neil S. Levy  
Group Art Unit 1616  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 09/536,351  
For: STORAGE STABLE PESTICIDE FORMULATIONS  
CONTAINING AZADIRACHTIN  
Our Ref: 3900-003

FROM: Luke A. Kilyk, Esq. *LAK*

FAC. TEL. NO.: 1-703-872-9306

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 6

Items Attached: Notice of Appeal -- 2 pages  
Three-Month Extension of Time -- 1 page  
Credit Card Payment Form -- 1 page  
Fee Transmittal -- 1 page

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-703-872-9306 on March 2, 2004.

Donald Prater  
Name of Person signing Certificate

*DS. Prater*  
Signature

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**950.00****Complete if Known**

Application Number 09/536,351  
 Filing Date March 27, 2000  
 First Named Inventor DAMARLA et al.  
 Examiner Name Neil S. Levy  
 Art Unit 1616  
 Attorney Docket No. 3900-003

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account

Deposit Account Number 50-0925  
 Deposit Account Name Kilyk & Bowersox, P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1001	770	2001	385
1002	340	2002	170
1003	530	2003	265
1004	770	2004	385
1005	180	2005	80

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	20***	X	
Multiple Dependent	3***	X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue Independent claims over original patent
1205	18	2205	9	***Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1806	1,840*	1806	1,840*
1251	110	2251	55
1252	420	2252	210
1253	960	2253	475
1254	1,480	2254	740
1255	2,010	2255	1,005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2809	385
1810	770	2810	385
1801	770	2801	385
1802	900	1802	900

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**950.00****SUBMITTED BY**

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Luke A. Kilyk	33,251	1-540-428-1701
Signature	Date	
	March 2, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Donald Prater  
 Name (Print)

Signature

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Donald Prater  
Name (Print)

DS. Prater  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: DAMARLA, et al.	)	Examiner: Neil S. Levy
Application Number: 09/536,351	)	Group Art Unit: 1616
Filed: March 27, 2000	)	Confirmation No.: 3606
Docket No.: 3900-003	)	Customer No.: 33432

For: STORAGE STABLE PESTICIDE FORMULATIONS CONTAINING AZADIRACTIN

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 2, 2004

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 2, 2003 of the Examiner finally rejecting the claims, including 1-12, 14-19, 23, and 24.

The item(s) checked below are appropriate:

1. ☒ A petition for a 3-month extension of time to respond to the Final Rejection is filed herewith.
2. ☒ A timely response to the Final Rejection has been filed, as provided in 37 CFR 1.113.
3. ☐ Large Entity Fee - \$330.00.
4. ☒ Enclosed is a Credit Card Payment Form.
5. ☒ Not required (fee paid in prior appeal).
6. ☒ Charge any deficiencies to Deposit Account No. 50-0925 (This paper filed in duplicate).

In the event this Notice of Appeal is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to Deposit

03/03/2004 AWONDAF1 00000005 500925 09536351

01 FC:1401 330.00 DA

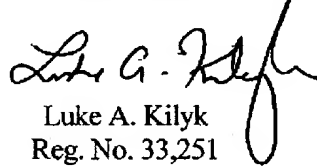
The PTO did not receive the following  
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for \$ 330

Notice of Appeal filed March 2, 2004  
U.S. Patent Application No. 09/536,351

Account No. 50-0925, along with any other additional fees which may be required with request to this Notice.

Respectfully submitted,

KILYK & BOWERSOX, P.L.L.C.

  
Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No. 3900-003  
KILYK & BOWERSOX, P.L.L.C.  
53 A East Lee Street  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720